

November 21, 2006

RE: Aivars Silins v. Department of Natural Resources
Allocation Review Request 06AL0066

Dear Mr. Silins:

On September 19, 2006, I conducted a Director's review meeting at the Department of Personnel, 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of your position. Present at the Director's review meeting were you and Regional Human Resource Consultants Marty Graf and Tom Hoffer, representing the Department of Natural Resources (DNR).

Background

On December 12, 2005, you submitted a Position Review Request (PRR) to DNR's Human Resources Division, requesting that your position #0020, then a Land Technician II, be reallocated to the Natural Resource Program Specialist classification. On January 1, 2006, the Department of Personnel implemented a class consolidation, and the Land Technician II classification was replaced by the Natural Resource Technician 3 classification. Similarly, the Natural Resource Program Specialist classification was replaced by the Natural Resources Specialist 3 classification. As a result, Marty Graf, Human Resource Consultant, compared your assigned duties and responsibilities to the new classification titles, effective January 1, 2006, in his analysis of your position.

On January 13, 2006, Mr. Graf met with you and observed your work. At that time, you also provided responses to questions he had previously emailed to you regarding your duties. By letter dated January 19, 2006, Mr. Graf informed you that your position was properly allocated to the Natural Resource Technician 3 classification because he believed your knowledge regarding land transactions was highly technical in nature. Mr. Graf also concluded that you did not meet the distinguishing characteristics of the Natural Resource Specialist 3 class because you had not been designated as an expert in a natural resource program.

The following summarizes your perspective as well as your employer's:

Summary of Mr. Silins' Perspective

Mr. Silins disagrees that his work is solely technical in nature; rather, he contends that he functions as a professional and specialist in the scope of performing his duties related to the state land records. Further, Mr. Silins asserts he is the agency expert regarding DNR's Automated Tract Book (ATB) System, and he performs much of the indexing and imaging of documents for land title examination into the system. As such, Mr. Silins states he reviews original deed documents that have not been substantially processed and links and cross references the information of official records by scanning and linking the information within the electronic elements. Mr. Silins also states that he provides supervision to the scanning section and that he is charged with handling complex issues that arise with deed documentation, consulting with the Attorney General's Office when necessary. Mr. Silins asserts the ATB is much more than a database and contends specialized knowledge is required to deal with the complex situations that arise. Therefore, Mr. Silins believes the Natural Resource Specialist 3 classification more accurately reflects the duties of his position.

Summary of the Department of Natural Resources' (DNR's) Reasoning

DNR acknowledges the duties assigned to Mr. Silins' position are highly technical and require a specialized knowledge specific to the ATB; however, DNR views this position as a technical expert rather than a professional expert. Additionally, DNR contends Mr. Silins' position has not been designated as a professional expert within a natural resources division or region, as required by the Natural Resource Specialist 3 classification. DNR asserts that while Mr. Silins' position requires the technical ability to read land titles and understand the related legal terminology, the position does not perform consultative work with other professionals in the field. Rather, DNR asserts the assigned duties include tracking the ATB and ensuring the related functions are available for use at the specialist level. In that capacity, DNR believes Mr. Silins acts as the central point of contact and provides technical expertise but contends the complex issues that arise need to be resolved at a higher level. DNR further contends Mr. Silins' position is not assigned final decision making authority. As a result, DNR believes Mr. Silins' position is properly allocated to the Natural Resource Technician 3 classification.

Director's Determination

This position review was based on the work performed for the six-month period prior to December 20, 2005.

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review meeting, and the verbal comments provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Natural Resource Technician 3 classification.

Rationale for Determination

The Position Description Form (PDF) (Exhibit A) for your position indicates that you provide complex technical research, analysis, and interpretation regarding state upland ownership. The PDF also acknowledges this position as unique because you provide the technical expertise necessary to build the ATB database, providing in-depth analysis of historical land transactions to validate entries into the database and integrate the information into other electronic systems. You also correct entries that had been previously omitted in error. Similarly, the Position Review Request (PRR) (Exhibit B), notes that the primary purpose of your position is the stewardship of DNR's records. Further, the review and research of DNR's historical transactions include exchanges, acquisitions, and disposals, which you also reconcile in the Official State Land Records when necessary.

The essential functions outlined on the PDF are identical to the main job duties listed on PRR. The majority of those duties (55%) mirrors the primary purpose stated above, including providing accurate state land records interpretation and research, reviewing historical land transaction records for quality control and reconciling the records in the official state land records which are maintained in electronic systems like the ATB. The other significant portion of your time (30%) is devoted to building the ATB database and providing technical expertise to its management, development, and maintenance.

The lesser assigned duties (5%) include maintaining official set of state land records, processing applications for use of state land, and posting completed contracts into the various electronic systems, including ATB. Another 5% of your work time is spent advising your division, the Title & Records Office (TRO), and other agency staff about processes and procedures. The final 5% of your work time is spent performing additional duties as needed to support the TRO.

When comparing the Natural Resource Technician (NRT) 3 class to the Natural Resource Specialist (NRS) 3 class, the NRT 3 (technician) falls within the Natural Resource Eco-System Management Support Occupational Category. In contrast, the NRS 3 (specialist) class is included in the Natural Resource Eco-System Management Occupational Category. The primary difference being that the technician supports management, and the specialist is considered management level.

The NRT 's category concept states, in part, "positions serve as technical support for a natural resource program" and "perform a variety of technical duties related to land management . . ." The NRT 3's distinguishing characteristics note that positions "independently provide technical support to a resource management program by performing technical land use, transaction, lease, development, and/or management duties." Your position is unique because you also have the technical component of creating the database to ensure that the support you provide – state land records interpretation and research, as well as a historical record of land transactions – is accurate and available for DNR programs.

The examples of work at the NRT 3 level most in line with your duties include reviewing and interpreting, preparing land leases and similar agreements or transactions, gathering technical information for land evaluation, and preparing reports and making preliminary recommendations. NRT 3 positions may also lead or supervise other staff.

Your decision-making authority, as described in item five on the PRR, further supports your position's allocation to the NRT 3 class because you note you "make routine determinations of file status," which includes making entries in Tract Books. You also "coordinate with agency staff regarding the Automated Tract book system," and you schedule the daily tasks, which might include working with regional or division staff on special direct requests for assistance on issues involving transactions.

Additionally, the answers you provided to Mr. Graf's clarification questions (Exhibit D) also support your allocation to the NRT 3 level. For example, you indicate you review the work files in conjunction with deed files; you validate transaction documentation in the Tract book sections and Register; you track the imaging and indexing of each transaction; you monitor the transfer of information for quality to ensure data elements from other program layers are appropriately transferred back; and you coordinate with the scanning personnel.

In order to meet the category concept of the NRS classes, a position must "perform specialized assignments in various natural resource disciplines." Incumbents also serve in management level positions such as land managers, program coordinators, program specialists, or section administrators. Your position, for example, does not manage the land or natural resource program; rather, your position ensures the historical information is accurate, complete, and available as a resource for the specialist who does manage the program functions. Furthermore, the distinguishing characteristics of the NRS 3 class state, "[a]s the designated expert within a division or region, positions research, analyze, recommend and provide consultative services for a specialized portion of a natural resource program." Although you certainly have a specialized knowledge of the ATB and 30% of your work was devoted to building the database, the ATB provides the highly technical means for you to support a variety of program needs.

I acknowledge that you are considered the agency expert regarding the ATB and that you provide training to staff regarding the ATB. I also want to note that your supervisor recognizes your highly valued role in the Title and Records Office. In section 9 of the PRR, your supervisor, Jamey Taylor, wrote, "the description underplays the positions [*sic*] role as the designated expert who researches, analyzes, recommends and provides consultative services for the . . . ATB . . ." Your supervisor further wrote that your statements "underplay the highly technical records examination duties of the job." While your technical expertise is clearly an asset to the programs you support, the functions of your position are highly technical, which is why your position best fits the highest level of the Natural Resource Eco-System Management Support Occupational Category. Therefore, the Natural Resource Technician 3 classification best describes your position #0020.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Teresa Parsons
Director's Review Supervisor

c: Marty Graf, DNR
Lisa Skriletz, DOP

Enclosure: List of Exhibits